

PATENT
Docket No.: AFAN-003

3737
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3737

Examiner: Ruth S. Smith

Serial No. 09/817,361

Filed: March 20, 2001

In re Application of: Natalia I. Afanassieva

For: APPARATUS AND METHOD FOR SPECTROSCOPIC ANALYSIS OF
HUMAN OR ANIMAL TISSUE OR BODY FLUIDS

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to Mail Stop Petition, Commissioner for Patents, Mail Stop Petition, P.O. Box 1450, Alexandria, VA 22313-1450 on 12/2/04.

Signed

Stephanie Davis

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Under 37 CFR §10.40(c) Permissive Withdrawal

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby apply to withdraw as attorney or agent for the above-identified application on behalf of myself and the attorneys and agents listed below:

Kenneth D'Alessandro, Reg. No. 29,144, Timothy A. Brisson, Reg. No. 44,046, Andrew V. Smith, Reg. No. 43,132, Seong-Kun Oh, Recognition under 37 C.F.R. 10.9(b), Michael A. Blake, Reg. No. 42,333, Nancy Lord Johnson, Reg. No. 45,462, Nicole E. Coppes-Gathy, Reg. No. 46,640, Andrew D. Gathy, Reg. No. 46,441, Kristin C. Castle, Reg. No. 47,208, and all Registered Attorneys and Agents of Sierra Patent Group, Ltd.

This paper is being submitted in triplicate.

In accordance with 37 C.F.R. §§ 1.36 and 10.40, the undersigned attorney of record applies withdrawal from representation of the above-identified patent application for the following reason(s):

CFR §10.40

(c) **Permissive withdrawal.** If paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matters pending before the Office unless such request or such withdrawal is because:

(1) The petitioner's client:

- ☐ (i) Insists upon presenting a claim or defense that is not warranted under existing law and cannot be supported by good faith argument for an extension, modification, or reversal of existing law;
- ☐ (ii) Personally seeks to pursue an illegal course of conduct;
- ☐ (iii) Insists that the practitioner pursue a course of conduct that is illegal or that is prohibited under a Disciplinary Rule;
- ☐ (iv) By other conduct renders it unreasonably difficult for the practitioner to carry out the employment effectively;
- ☐ (v) Insists, in a matter not pending before a tribunal, that the practitioner engage in conduct that is contrary to the judgment and advice of the practitioner but not prohibited under the Disciplinary Rule; or
- ☒ (vi) Has failed to pay one or more bills rendered by the practitioner for an unreasonable period of time or has failed to honor an agreement to pay a retainer in advance of the performance of legal services.

☐ (2) The practitioner's continued employment is likely to result in a violation of a Disciplinary Rule;

☐ (3) The practitioner's inability to work with co-counsel indicates that the best interest of the client likely will be served by withdrawal;

☐ (4) The practitioner's mental or physical condition renders it difficult for the practitioner to carry out the employment effectively;

☐ (5) The practitioner's client knowingly and freely assents to termination of the employment; or

☐ (6) The practitioner believes in good faith, in a proceeding pending before the Office, that the Office will find the existence of other good cause for withdrawal.

Status of Application Prosecution:

Currently, there is one Office Action pending in the above-identified patent application. The expiration date of the period for reply, which can be obtained by a petition and fee for extension of time is April 25, 2005.

MPEP 402.06 Attorney or Agent Withdraws

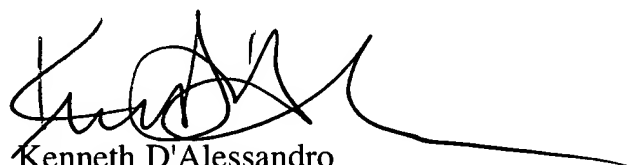
... The Commissioner of Patents and Trademarks usually requires that there be at least 30 days between approval of withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action. If a period has been set for reply and the period may be extended without a showing of cause pursuant to 327 CFR 1.136(a) by filing a petition for extension of time and fee, the practitioner will not be required to seek such extension of time for withdrawal to be approved. In such situation, however, withdrawal will not be approved unless at least 30 days would remain between the date of approval and the last date on which such a petition for extension of time and fee could properly be filed.

CORRESPONDENCE ADDRESS

Please address all future correspondence related to the above-referenced patent application to:

**Natalia I. Afanassieva
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Phone: (503) 422-5477**

Respectfully submitted,
SIERRA PATENT GROUP, LTD.


Kenneth D'Alessandro
Reg. No. 29,144

Dated: December 2, 2004

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STATEMENT BY KENNETH D'ALESSANDRO

I, Kenneth D'Alessandro, hereby make the following statements in regard to the Request to Withdraw as Attorney of Record under 37 C.F.R. §10.40(a), which is being filed herewith.

1. The reason for filing the Request to Withdraw as Attorney of Record is that the client has failed to pay one or more bills rendered by the practitioner for an unreasonable period of time.

2. I have given the applicant due notice of the intent to file a Request for Withdrawal of Attorney of Record with the United States Patent and Trademark Office.

3. There is currently one pending Office Action in connection with the above-identified patent application, with an expiration date for reply which can be obtained by a petition and fee for extension is April 25, 2005.

Kenneth D'Alessandro
Attorney at Law

12-02-04

Date